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TRAN. I	
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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

See attached.



UNITED STATES DEPARTMENT OF COMMERCE
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 32

Application Number: 07/832,335
Filing Date: Feb. 07, 1992
Appellant(s): Max Abecassis

Max Abecassis
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed Oct. 17, 1996.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

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A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 73-76 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

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5,172,111

Olivo, JR.

12/15/1992

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 73-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Olivo, Jr. ('111).

Olivo, Jr. discloses a program material screening device whereby a user may automatically and selectively enable, disables, or edits the program material output. The system, as shown in Olivo, Jr., includes defining means (col. 3, lines 16-29), responsive to at least one preestablished content category (i.e. R, PG-13, PG, G, or X), a plurality of segments in a video including at least one parallel segment (same scene but lower rated versions); descriptor means (col. 3, lines 29-34) for associating at least one descriptor with at least one segment of the plurality of segments, wherein at least one descriptor being responsive to the least one preestablished content category; and mapping means (col. 3, lines 34-44) for

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producing a segment map that provides for a variable arrangement of the plurality of segments, as specified in claims 73-76. (See Figures 1 and 5).

(11) *Response to Argument*

In re pages 5-12, appellant states that the Examiner fails to provide constructive assistance in drafting of claims under MPEP 707.07(j) as repeatedly requested by the appellant.

In response, it is noted that MPEP 707.07(j) states

“When, during the examination of a pro se case, it becomes apparent to the examiner that there is patentable subject matter disclosed in the application, the examiner shall draft one or more claims for the applicant and indicate in his or her action that such claims would be allowed if incorporated in the application by amendment.”

During the examination of this application, the examiner did not draft any claim for the applicant and indicate in the office actions that such claim would be allowed if incorporated in the application by amendment because the examiner did not find any patentable subject matter.

In re pages 12-19, appellant argues that Olivo does not disclose or teach “defining means for defining” “a plurality of segments in a video”; “descriptor means for associating at least one descriptor with at least one segment of the plurality of segments”; and “mapping means for producing a segment map that provides for a variable arrangement of the plurality of segments”, as is recited in claim 73.

In response, Olivo clearly discloses in column 3, lines 23-34 that “the material content signal includes information relating to the content of the program material it corresponds to”,

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that "the material content signal may provide only the Motion Picture Association of America (MPAA) rating (i.e., R, PG-13, PG or G) and/or the so-called "X" rating for a movie recorded on videotape or film", and "that the material content signal can include complex information relating to the program content of particular scenes of the program material, thus enabling the scenes (or even individual frame) of a movie to be rated on a scene-by-scene (or frame-by-frame) basis"; in column 8, lines 26-29 that "the recording components (10A) include a record circuit (12) for receiving a video signal generated on line 14 and for driving a pair of lines (16) which are connected to a first tape recording head (18)"; and in column 9, lines 25-32 that "an MCS Value Selector (104) consists of eight toggle switches that supply parallel 8-bit logic levels to the 8-bit data latch (102) via the 8-bit parallel data bus (103)", that "the MCS Value Selector (104) can be varied as often as desired by the person or authority encoding the program material", and that "part of the 8-bit code can be indicative of the material content of any given tape segment". From the above passages, it is clear that the person or the authority defines, responsive at least one preestablished content category, a plurality of segments in a video but not a plurality of segment in a video and an alternate program signal.

Olivo also discloses in column 8, lines 41-45 that "encoding circuitry (28) counts the frame-reference pulses and generates a signal in the form of a stream of bits that is synchronized with the frame-reference pulses and that is indicative of an MCS" and in column 9, lines 35-43 that "bits 1 through 3 can be used to indicate 1 of 8 possible absolute

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ratings, similar to an MPAA type rating scheme, bits 4 through 6 can be used to indicate how the screening device should react upon detection of an impermissible MCS code, and bits 7 and 8 can be used to indicate which alternative program sources are to be selected and inserted into the final output in humanly perceivable form". From the above passages, it is clear that the encoding circuitry (28) of Olivo anticipates the claimed "descriptor means for associating at least one descriptor with at least one segment of the plurality of segments, said at least one descriptor being responsive to said at least one preestablished content category".

Olivo further discloses in column 14, lines 5-9 that "the correlation of the combination of these discrete MCS signals lead to the generation of an 8-bit word on data bus 74 suitable for controlling a video switch (306), character generator (350), an alternate program source (360) as shown in FIG. 5" and in column 14, lines 31-42 that "the APS (360) can be a second videotape player that can, for example, provide lower-rated substitute scenes for an R-rated movie supplied via line 60", that "when the R-rated videotape is replayed, at the onset of an explicit or graphic scene, video switch 306 automatically in response to 2-bit control bus 74A will switch from the line 60 input to the line 302 input, thus supplying a less explicit or graphic, e.g., PG-13, substitute scene", and that "the owner/operator via the MCS Evaluation Switch (198 in FIG. 3), can preset the playback device to guarantee the less explicit or graphic (PG-13) output". From the above passages, it is clear that the combination of the MCS Evaluation Switch 198 and the Random Access Memory 179 of Olivo anticipates the claimed

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“mapping means for producing a segment map that provides for a variable arrangement of the plurality of segments”.

In re pages 19-22, appellant additionally argue that Olivo fails to teach or disclose the claimed “parallel segment” as recited in claim 74.

In response, the specification discloses in page 18, lines 4-8 that “it should be noted that any given idea or scene may be expressed in a variety of forms, whether implied as in the closing of a bedroom door, to the graphic treatment as might e found in an “X” rated film. Both of these versions may be provided as parallel segments in a program,”. Olivo discloses in column 14, lines 34-39 that “when the R-rated videotape is replayed, at the onset of an explicit or graphic scene, video switch 306 automatically in response to 2-bit control bus 74A will switch from the line 60 input to the line 302 input, thus supplying a less explicit or graphic, e.g., PG-13, substitute scene”. It is clear that the graphic scene of the R-rated version of Olivo was expressed in at least two forms which are the graphic scene of the R-rated version or the less explicit of PG-13 version. Thus, the graphic of R-rated of Olivo anticipated the claimed “parallel segment” because the graphic of R-rated and the less graphic of PG-13 rated of Olivo are parallel.

In re pages 22-25, appellants again argue that Olivo does not specifically discloses or suggest the steps of “defining, responsive to at least one preestablished content category, a plurality of segments in a video, said plurality of segments including at least one parallel segment”; “associating at least one descriptor with at least one segment of said plurality of

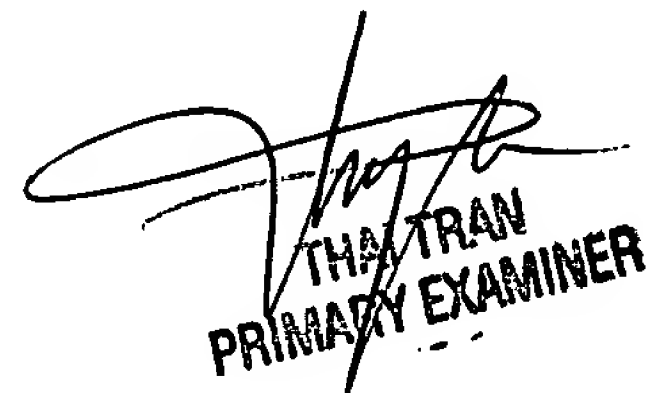
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segments, said at least one descriptor being responsive to said at least one preestablished content category”; and “producing a segment map that provides for a variable arrangement of said plurality of segments” as recited in claims 75-76.

In response, as discussed above regarding claims 73-74, Olivo does indeed disclose all the claimed steps as required in claims 75-76.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



THA TRAN
PRIMARY EXAMINER

TTQ
March 12, 1998

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